

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1319, 1045 & 1369
96TH GENERAL ASSEMBLY

4792L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 475.375, 571.020, 571.030, 571.101, 571.111, and 571.117, RSMo, and to enact in lieu thereof seven new sections relating to weapons, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 475.375, 571.020, 571.030, 571.101, 571.111, and 571.117, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 571.020, 571.030, 571.037, 571.092, 571.101, 571.111, and 571.117, to read as follows:

571.020. 1. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) A switchblade knife;

(5) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

(6) Knuckles; or

(7) Any of the following in violation of federal law:

(a) A machine gun;

(b) A short-barreled rifle or shotgun; or

(c) A firearm silencer.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 2. A person does not commit a crime pursuant to this section if his conduct involved any
16 of the items in subdivisions (1) to (6) of subsection 1, the item was possessed in conformity with
17 any applicable federal law, and the conduct **was incident to**:

18 (1) [Was incident to the performance of] **Performing an** official duty by the armed
19 forces, national guard, a governmental law enforcement agency, or a penal institution; or

20 (2) [Was incident to] Engaging in a lawful commercial or business transaction with an
21 organization enumerated in subdivision (1) of this section; or

22 (3) [Was incident to] Using an explosive weapon in a manner reasonably related to a
23 lawful industrial or commercial enterprise; or

24 (4) [Was incident to] Displaying the weapon in a public museum or exhibition; or

25 (5) [Was incident to] Using the weapon in a manner reasonably related to a lawful
26 dramatic performance; **or**

27 **(6) Dealing with the weapon solely as a curio, ornament, or keepsake.**

28 3. A crime pursuant to subdivision (1), (2), (3) or (7) of subsection 1 of this section is
29 a class C felony; a crime pursuant to subdivision (4), (5) or (6) of subsection 1 of this section is
30 a class A misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon
13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
14 acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
16 courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election

21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board.

29 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
30 persons described in this subsection, regardless of whether such uses are reasonably associated
31 with or are necessary to the fulfillment of such person's official duties except as otherwise
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
33 shall not apply to or affect any of the following persons, when such uses are reasonably
34 associated with or are necessary to the fulfillment of such person's official duties, except as
35 otherwise provided in this subsection:

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

45 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
46 institutions for the detention of persons accused or convicted of crime;

47 (3) Members of the armed forces or national guard while performing their official duty;

48 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
49 judicial power of the state and those persons vested by Article III of the Constitution of the
50 United States with the judicial power of the United States, the members of the federal judiciary;

51 (5) Any person whose bona fide duty is to execute process, civil or criminal;

52 (6) Any federal probation officer or federal flight deck officer as defined under the
53 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers
54 are on duty, or within the law enforcement agency's jurisdiction;

55 (7) Any state probation or parole officer, including supervisors and members of the
56 board of probation and parole;

57 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
58 of the regulations established by the board of police commissioners under section 84.340;

59 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

60 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
61 or assistant circuit attorney who has completed the firearms safety training course required under
62 subsection 2 of section 571.111; and

63 (11) Any member of a fire department or fire protection district who is employed on a
64 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
65 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
66 of such person's official duties.

67 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
68 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
69 ammunition is not readily accessible or when such weapons are not readily accessible.
70 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
71 age or older, **or eighteen years of age and a member of the United States Armed Forces,**
72 **honorably discharged from the United States Armed Forces, a member of a military**
73 **academy, or a member of the Reserve Officers' Training Corps,** transporting a concealable
74 firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm
75 is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm
76 or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
77 premises over which the actor has possession, authority or control, or is traveling in a continuous
78 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
79 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
80 for the purposes of transporting a student to or from school, or possessed by an adult for the
81 purposes of facilitation of a school-sanctioned firearm-related event or club event.

82 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
83 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
84 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
85 political subdivision of another state.

86 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
87 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

88 6. Nothing in this section shall make it unlawful for a student to actually participate in
89 school-sanctioned gun safety courses, student military or ROTC courses, or other
90 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
91 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or

92 onto the premises of any other function or activity sponsored or sanctioned by school officials
93 or the district school board.

94 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
95 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
96 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
97 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
98 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
99 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
100 a class A felony.

101 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
102 follows:

103 (1) For the first violation a person shall be sentenced to the maximum authorized term
104 of imprisonment for a class B felony;

105 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
106 sentenced to the maximum authorized term of imprisonment for a class B felony without the
107 possibility of parole, probation or conditional release for a term of ten years;

108 (3) For any violation by a persistent offender as defined in section 558.016, a person
109 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
110 the possibility of parole, probation, or conditional release;

111 (4) For any violation which results in injury or death to another person, a person shall
112 be sentenced to an authorized disposition for a class A felony.

113 9. Any person knowingly aiding or abetting any other person in the violation of
114 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
115 prescribed by this section for violations by other persons.

116 10. Notwithstanding any other provision of law, no person who pleads guilty to or is
117 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
118 imposition of sentence if such person has previously received a suspended imposition of sentence
119 for any other firearms- or weapons-related felony offense.

120 11. As used in this section "qualified retired peace officer" means an individual who:

121 (1) Retired in good standing from service with a public agency as a peace officer, other
122 than for reasons of mental instability;

123 (2) Before such retirement, was authorized by law to engage in or supervise the
124 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
125 violation of law, and had statutory powers of arrest;

126 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
127 of fifteen years or more, or retired from service with such agency, after completing any

128 applicable probationary period of such service, due to a service-connected disability, as
129 determined by such agency;

130 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
131 a plan is available;

132 (5) During the most recent twelve-month period, has met, at the expense of the
133 individual, the standards for training and qualification for active peace officers to carry firearms;

134 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
135 substance; and

136 (7) Is not prohibited by federal law from receiving a firearm.

137 12. The identification required by subdivision (1) of subsection 2 of this section is:

138 (1) A photographic identification issued by the agency from which the individual retired
139 from service as a peace officer that indicates that the individual has, not less recently than one
140 year before the date the individual is carrying the concealed firearm, been tested or otherwise
141 found by the agency to meet the standards established by the agency for training and qualification
142 for active peace officers to carry a firearm of the same type as the concealed firearm; or

143 (2) A photographic identification issued by the agency from which the individual retired
144 from service as a peace officer; and

145 (3) A certification issued by the state in which the individual resides that indicates that
146 the individual has, not less recently than one year before the date the individual is carrying the
147 concealed firearm, been tested or otherwise found by the state to meet the standards established
148 by the state for training and qualification for active peace officers to carry a firearm of the same
149 type as the concealed firearm.

**571.037. Any person who has a valid concealed carry endorsement, and who is
2 lawfully carrying a firearm in a concealed manner, may briefly and openly display the
3 firearm to the ordinary sight of another person, unless the firearm is intentionally
4 displayed in an angry or threatening manner, not in necessary self-defense.**

**571.092. 1. Any individual who has been adjudged incapacitated under chapter
2 475, who has been involuntarily committed under chapter 632, or who is otherwise subject
3 to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an
4 adjudication or commitment that occurred in this state may file a petition for the removal
5 of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm
6 imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state.**

**7 2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's
8 place of residence or that entered the letters of guardianship or the most recent order for
9 involuntary commitment, or the most recent disqualifying order, whichever is later. The
10 petition shall include:**

- 11 **(1) The circumstances regarding the firearms disabilities;**
12 **(2) The applicant's record which at a minimum shall include the applicant's mental**
13 **health and criminal history records, if any;**
14 **(3) The applicant's reputation through character witness statements, testimony, or**
15 **other character evidence; and**
16 **(4) Any other information or evidence relevant to the relief sought, including but**
17 **not limited to evidence concerning any changes in the petitioner's condition since the**
18 **disqualifying commitment or adjudication occurred.**
19
20 **Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the**
21 **hearing to the petitioner.**
22 **3. The court shall grant the requested relief if it finds by clear and convincing**
23 **evidence that:**
24 **(1) The petitioner will not be likely to act in a manner dangerous to public safety;**
25 **and**
26 **(2) Granting the relief is not contrary to the public interest.**
27 **4. In order to determine whether to grant relief under this section, the court may**
28 **request the local prosecuting attorney, circuit attorney, or attorney general to provide a**
29 **written recommendation as to whether relief should be granted. In any order requiring**
30 **such review the court may grant access to any and all mental health records, juvenile**
31 **records, and criminal history of the petitioner wherever maintained. The court may allow**
32 **presentation of evidence at the hearing if requested by the petitioner or by the local**
33 **prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the**
34 **proceedings.**
35 **5. If the petitioner is filing the petition as a result of an involuntary commitment**
36 **under chapter 632, the hearing and records shall be closed to the public, unless the court**
37 **finds that public interest would be better served by conducting the hearing in public. If**
38 **the court determines the hearing should be open to the public, upon motion by the**
39 **petitioner, the court may allow for the in-camera inspection of mental health records. The**
40 **court may allow the use of the record but shall restrict it from public disclosure, unless it**
41 **finds that the public interest would be better served by making the record public.**
42 **6. The court shall include in its order the specific findings of fact on which it bases**
43 **its decision.**
44 **7. Upon a judicial determination to grant a petition under this section, the clerk in**
45 **the county where the petition was granted shall forward the order to the Missouri state**
46 **highway patrol for updating of the petitioner's record with the National Instant Criminal**

47 **Background Check System (NICS). The Missouri state highway patrol shall contact the**
48 **Federal Bureau of Investigation to effect this updating no later than twenty-one days from**
49 **receipt of the order.**

50 **8. Any person who has been denied a petition for the removal of the disqualification**
51 **to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall**
52 **not be eligible to file another petition for removal of such disqualification until the**
53 **expiration of one year from the date of such denial.**

54 **9. In the event a petition is denied under this section, the petitioner may appeal**
55 **such denial, and review shall be de novo.**

571.101. 1. All applicants for concealed carry endorsements issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the
3 said applicant can show qualification as provided by sections 571.101 to 571.121, the county or
4 city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon
5 receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's
6 license with the director of revenue in order to obtain a concealed carry endorsement. Any
7 person who has been issued a concealed carry endorsement on a driver's license or nondriver's
8 license and such endorsement or license has not been suspended, revoked, cancelled, or denied
9 may carry concealed firearms on or about his or her person or within a vehicle. A concealed
10 carry endorsement shall be valid for a period of three years from the date of issuance or renewal.
11 The concealed carry endorsement is valid throughout this state.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
13 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
14 city in which the applicant resides, if the applicant:

15 (1) Is at least twenty-one years of age, is a citizen of the United States and either:

16 (a) Has assumed residency in this state; or

17 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
18 of the military;

19 (2) **Is at least eighteen years of age and a member of the United States Armed**
20 **Forces, honorably discharged from the United States Armed Forces, a member of a**
21 **military academy, or a member of the Reserve Officers' Training Corps, is a citizen of the**
22 **United States and either:**

23 (a) **Has assumed residency in this state; or**

24 (b) **Is stationed in Missouri;**

25 (3) **Has not pled guilty to or entered a plea of nolo contendere or been convicted of a**
26 **crime punishable by imprisonment for a term exceeding one year under the laws of any state or**
27 **of the United States other than a crime classified as a misdemeanor under the laws of any state**

28 and punishable by a term of imprisonment of one year or less that does not involve an explosive
29 weapon, firearm, firearm silencer or gas gun;

30 ~~[(3)]~~ **(4)** Has not been convicted of, pled guilty to or entered a plea of nolo contendere
31 to one or more misdemeanor offenses involving crimes of violence within a five-year period
32 immediately preceding application for a certificate of qualification for a concealed carry
33 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
34 involving driving while under the influence of intoxicating liquor or drugs or the possession or
35 abuse of a controlled substance within a five-year period immediately preceding application for
36 a certificate of qualification for a concealed carry endorsement;

37 ~~[(4)]~~ **(5)** Is not a fugitive from justice or currently charged in an information or
38 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
39 year under the laws of any state of the United States other than a crime classified as a
40 misdemeanor under the laws of any state and punishable by a term of imprisonment of two years
41 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

42 ~~[(5)]~~ **(6)** Has not been discharged under dishonorable conditions from the United States
43 armed forces;

44 ~~[(6)]~~ **(7)** Has not engaged in a pattern of behavior, documented in public records, that
45 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or
46 others;

47 ~~[(7)]~~ **(8)** Is not adjudged mentally incompetent at the time of application or for five years
48 prior to application, or has not been committed to a mental health facility, as defined in section
49 632.005, or a similar institution located in another state following a hearing at which the
50 defendant was represented by counsel or a representative;

51 ~~[(8)]~~ **(9)** Submits a completed application for a certificate of qualification as described
52 in subsection 3 of this section;

53 ~~[(9)]~~ **(10)** Submits an affidavit attesting that the applicant complies with the concealed
54 carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

55 ~~[(10)]~~ **(11)** Is not the respondent of a valid full order of protection which is still in effect.

56 3. The application for a certificate of qualification for a concealed carry endorsement
57 issued by the sheriff of the county of the applicant's residence shall contain only the following
58 information:

59 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

60 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
61 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
62 and is a citizen of the United States;

63 (3) An affirmation that the applicant is at least twenty-one years of age **or is eighteen**
64 **years of age and a member of the United States Armed Forces, honorably discharged from**
65 **the United States Armed Forces, a member of a military academy, or a member of the**
66 **Reserve Officers' Training Corps;**

67 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
68 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
69 United States other than a crime classified as a misdemeanor under the laws of any state and
70 punishable by a term of imprisonment of one year or less that does not involve an explosive
71 weapon, firearm, firearm silencer, or gas gun;

72 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
73 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
74 within a five-year period immediately preceding application for a certificate of qualification to
75 obtain a concealed carry endorsement or if the applicant has not been convicted of two or more
76 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs
77 or the possession or abuse of a controlled substance within a five-year period immediately
78 preceding application for a certificate of qualification to obtain a concealed carry endorsement;

79 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
80 in an information or indictment with the commission of a crime punishable by imprisonment for
81 a term exceeding one year under the laws of any state or of the United States other than a crime
82 classified as a misdemeanor under the laws of any state and punishable by a term of
83 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
84 silencer or gas gun;

85 (7) An affirmation that the applicant has not been discharged under dishonorable
86 conditions from the United States armed forces;

87 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
88 of application or for five years prior to application, or has not been committed to a mental health
89 facility, as defined in section 632.005, or a similar institution located in another state, except that
90 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
91 similar discharge from a facility in another state, occurred more than five years ago without
92 subsequent recommitment may apply;

93 (9) An affirmation that the applicant has received firearms safety training that meets the
94 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

95 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
96 not the respondent of a valid full order of protection which is still in effect; and

97 (11) A conspicuous warning that false statements made by the applicant will result in
98 prosecution for perjury pursuant to the laws of the state of Missouri.

99 4. An application for a certificate of qualification for a concealed carry endorsement shall
100 be made to the sheriff of the county or any city not within a county in which the applicant
101 resides. An application shall be filed in writing, signed under oath and under the penalties of
102 perjury, and shall state whether the applicant complies with each of the requirements specified
103 in subsection 2 of this section. In addition to the completed application, the applicant for a
104 certificate of qualification for a concealed carry endorsement must also submit the following:

105 (1) A photocopy of a firearms safety training certificate of completion or other evidence
106 of completion of a firearms safety training course that meets the standards established in
107 subsection 1 or 2 of section 571.111; and

108 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
109 of this section.

110 5. Before an application for a certificate of qualification for a concealed carry
111 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
112 into the accuracy of the statements made in the application. The sheriff may require that the
113 applicant display a Missouri driver's license or nondriver's license or military identification and
114 orders showing the person being stationed in Missouri. In order to determine the applicant's
115 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
116 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
117 law enforcement agency within three working days after submission of the properly completed
118 application for a certificate of qualification for a concealed carry endorsement. If no
119 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
120 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
121 Upon receipt of the completed background check, the sheriff shall issue a certificate of
122 qualification for a concealed carry endorsement within three working days. The sheriff shall
123 issue the certificate within forty-five calendar days if the criminal background check has not been
124 received, provided that the sheriff shall revoke any such certificate and endorsement within
125 twenty-four hours of receipt of any background check that results in a disqualifying record, and
126 shall notify the department of revenue.

127 6. The sheriff may refuse to approve an application for a certificate of qualification for
128 a concealed carry endorsement if he or she determines that any of the requirements specified in
129 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
130 reason to believe that the applicant has rendered a false statement regarding any of the provisions
131 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
132 to deny the application, and notify the applicant in writing, stating the grounds for denial and
133 informing the applicant of the right to submit, within thirty days, any additional documentation
134 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff

135 shall reconsider his or her decision and inform the applicant within thirty days of the result of
136 the reconsideration. The applicant shall further be informed in writing of the right to appeal the
137 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
138 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant
139 to subsections 2, 3, 4, and 5 of section 571.114.

140 7. If the application is approved, the sheriff shall issue a certificate of qualification for
141 a concealed carry endorsement to the applicant within a period not to exceed three working days
142 after his or her approval of the application. The applicant shall sign the certificate of
143 qualification in the presence of the sheriff or his or her designee and shall within seven days of
144 receipt of the certificate of qualification take the certificate of qualification to the department of
145 revenue. Upon verification of the certificate of qualification and completion of a driver's license
146 or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a
147 new driver's license or nondriver's license with an endorsement which identifies that the
148 applicant has received a certificate of qualification to carry concealed weapons issued pursuant
149 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's
150 license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's
151 license with a concealed carry endorsement shall expire three years from the date the certificate
152 of qualification was issued pursuant to this section. The requirements for the director of revenue
153 to issue a concealed carry endorsement pursuant to this subsection shall not be effective until
154 July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection
155 1 of this section shall allow the person issued such certificate to carry a concealed weapon
156 pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry
157 endorsement issued by the director of revenue from October 11, 2003, until the concealed carry
158 endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate
159 of qualification has been suspended or revoked for cause.

160 8. The sheriff shall keep a record of all applications for a certificate of qualification for
161 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
162 of a certificate of qualification to the Missouri uniform law enforcement system. All information
163 on any such certificate that is protected information on any driver's or nondriver's license shall
164 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's
165 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
166 public information and shall be considered personal protected information. Any person who
167 violates the provisions of this subsection by disclosing protected information shall be guilty of
168 a class A misdemeanor.

169 9. Information regarding any holder of a certificate of qualification or a concealed carry
170 endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.111. 1. An applicant for a concealed carry endorsement shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry endorsement:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her by section 217.105, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the

25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her
31 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or
32 her marksmanship with both;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a certificate of qualification for a
37 concealed carry endorsement from the sheriff of the individual's county of residence and a
38 concealed carry endorsement issued by the department of revenue;

39 (7) The laws relating to firearms as prescribed in this chapter;

40 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

41 (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver
42 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds
43 from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent
44 target;

45 (10) A live fire test administered to the applicant while the instructor was present of
46 twenty rounds from each handgun from a standing position or its equivalent at a distance from
47 a B-27 silhouette target, or an equivalent target, of seven yards.

48 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant
49 for a concealed carry endorsement who:

50 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
51 officer; or

52 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
53 instructor, poses a danger to the applicant or to others; or

54 (3) During the live fire testing portion of the course fails to hit the silhouette portion of
55 the targets with at least fifteen rounds, with both handguns.

56 4. Qualified firearms safety instructors who provide firearms safety instruction to any
57 person who applies for a concealed carry endorsement shall:

58 (1) Make the applicant's course records available upon request to the sheriff of the
59 county in which the applicant resides;

60 (2) Maintain all course records on students for a period of no less than four years from
 61 course completion date; and

62 (3) Not have more than forty students in the classroom portion of the course or more than
 63 five students per range officer engaged in range firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety
 65 instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement
 66 pursuant to sections 571.101 to 571.121 if the instructor:

67 (1) Is a valid firearms safety instructor certified by the National Rifle Association
 68 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

69 (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered
 70 by a local, state, or federal governmental agency; or

71 (3) Submits a photocopy of a certificate from a firearms safety instructor course
 72 approved by the department of public safety; or

73 (4) Has successfully completed a firearms safety instructor course given by or under the
 74 supervision of any state, county, municipal, or federal law enforcement agency; or

75 (5) Is a certified police officer firearms safety instructor.

76 6. Any firearms safety instructor who knowingly provides any sheriff with any false
 77 information concerning an applicant's performance on any portion of the required training and
 78 qualification shall be guilty of a class C misdemeanor.

571.117. 1. Any person who has knowledge that another person, who was issued a
 2 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to
 3 571.121, never was or no longer is eligible for such endorsement under the criteria established
 4 in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to
 5 revoke that person's certificate of qualification for a concealed carry endorsement and such
 6 person's concealed carry endorsement. The petition shall be in a form substantially similar to the
 7 petition for revocation of concealed carry endorsement provided in this section. Appeal forms
 8 shall be provided by the clerk of the small claims court free of charge to any person:

9 SMALL CLAIMS COURT

10 In the Circuit Court of, Missouri

11, PLAINTIFF

12)

13)

14 vs.) Case Number

15)

16, DEFENDANT,

17 Carry Endorsement Holder

18, DEFENDANT,
19 Sheriff of Issuance

20 PETITION FOR REVOCATION
21 OF CERTIFICATE OF QUALIFICATION
22 OR CONCEALED CARRY ENDORSEMENT

23 Plaintiff states to the court that the defendant,, has a certificate of qualification
24 or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and
25 that the defendant's certificate of qualification or concealed carry endorsement should now be
26 revoked because the defendant either never was or no longer is eligible for such a certificate or
27 endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically
28 plaintiff states that defendant,, never was or no longer is eligible for such certificate or
29 endorsement for one or more of the following reasons:

30 (CHECK BELOW EACH REASON
31 THAT APPLIES TO THIS DEFENDANT)

32 ☐ Defendant is not at least twenty-one years of age **or eighteen years of age and a**
33 **member of the United States Armed Forces, honorably discharged from the United States**
34 **Armed Forces, a member of a military academy, or a member of the Reserve Officers'**
35 **Training Corps.**

36 ☐ Defendant is not a citizen of the United States.

37 ☐ Defendant had not resided in this state prior to issuance of the permit and does not
38 qualify as a military member or spouse of a military member stationed in Missouri.

39 ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
40 for a term exceeding one year under the laws of any state or of the United States other than a
41 crime classified as a misdemeanor under the laws of any state and punishable by a term of
42 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm
43 silencer, or gas gun.

44 ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere
45 to one or more misdemeanor offenses involving crimes of violence within a five-year period
46 immediately preceding application for a certificate of qualification or concealed carry
47 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been
48 convicted of two or more misdemeanor offenses involving driving while under the influence of
49 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a
50 five-year period immediately preceding application for a certificate of qualification or a
51 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

52 ☐ Defendant is a fugitive from justice or currently charged in an information or
53 indictment with the commission of a crime punishable by imprisonment for a term exceeding one

54 year under the laws of any state of the United States other than a crime classified as a
55 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year
56 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

57 ☐ Defendant has been discharged under dishonorable conditions from the United States
58 armed forces.

59 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based
60 on previous, documented pattern.

61 ☐ Defendant is adjudged mentally incompetent at the time of application or for five
62 years prior to application, or has been committed to a mental health facility, as defined in section
63 632.005, RSMo, or a similar institution located in another state, except that a person whose
64 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar
65 discharge from a facility in another state, occurred more than five years ago without subsequent
66 recommitment may apply.

67 ☐ Defendant failed to submit a completed application for a certificate of qualification
68 or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

69 ☐ Defendant failed to submit to or failed to clear the required background check.

70 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the
71 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

72

73 The plaintiff subject to penalty for perjury states that the information contained in this petition
74 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
75 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
76 named herein.

77, PLAINTIFF

78 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
79 certificate of qualification or the concealed carry endorsement issued pursuant to sections
80 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate
81 of qualification or the concealed carry endorsement issued pursuant to the provisions of sections
82 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
83 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
84 the sheriff.

85 3. The finder of fact, in any action brought against an endorsement holder pursuant to
86 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
87 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
88 without justification or with malice or primarily with an intent to harass the endorsement holder
89 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay

90 the defendant/respondent all reasonable costs incurred in defending the action including, but not
91 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
92 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and
93 costs to be awarded should be liberally calculated in defendant/respondent's favor.
94 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be
95 at least one hundred fifty dollars per hour.

96 4. Any person aggrieved by any final judgment rendered by a small claims court in a
97 petition for revocation of a certificate of qualification or concealed carry endorsement may have
98 a right to trial de novo as provided in sections 512.180 to 512.320.

99 5. The office of the county sheriff or any employee or agent of the county sheriff shall
100 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
101 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement
102 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

2 [475.375. 1. Any individual over the age of eighteen years who has been
3 adjudged incapacitated under this chapter or who has been involuntarily
4 committed under chapter 632 may file a petition for the removal of the
5 disqualification to purchase, possess, or transfer a firearm when:

6 (1) The individual no longer suffers from the condition that resulted in
7 the individual's incapacity or involuntary commitment;

8 (2) The individual no longer poses a danger to self or others for purposes
9 of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;
10 and

11 (3) Granting relief under this section is not contrary to the public interest.
12 No individual who has been found guilty by reason of mental disease or defect
13 may petition a court for restoration under this section.

14 2. The petition shall be filed in the circuit court that entered the letters of
15 guardianship or the most recent order for involuntary commitment, whichever is
16 later. Upon receipt of the petition, the clerk shall schedule a hearing and provide
17 notice of the hearing to the petitioner.

18 3. The burden is on the petitioner to establish by clear and convincing
19 evidence that:

20 (1) The petitioner no longer suffers from the condition that resulted in the
21 incapacity or the involuntary commitment;

22 (2) The individual no longer poses a danger to self or others for purposes
23 of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;
24 and

25 (3) Granting relief under this section is not contrary to the public interest.

26 4. Upon the filing of the petition the court shall review the petition and
27 determine if the petition is based upon frivolous grounds and if so may deny the
28 petition without a hearing. In order to determine whether petitioner has met the
burden pursuant to this section, the court may request the local prosecuting

29 attorney, circuit attorney, or attorney general to provide a written
30 recommendation as to whether relief should be granted. In any order requiring
31 such review the court may grant access to any and all mental health records,
32 juvenile records, and criminal history of the petitioner wherever maintained. The
33 court may allow presentation of evidence at the hearing if requested by the local
34 prosecuting attorney, circuit attorney, or attorney general.

35 5. If the petitioner is filing the petition as a result of an involuntary
36 commitment under chapter 632, the hearing and records shall be closed to the
37 public, unless the court finds that public interest would be better served by
38 conducting the hearing in public. If the court determines the hearing should be
39 open to the public, upon motion by the petitioner, the court may allow for the
40 in-camera inspection of mental health records. The court may allow the use of
41 the record but shall restrict from public disclosure, unless it finds that the public
42 interest would be better served by making the record public.

43 6. The court shall enter an order that:

44 (1) The petitioner does or does not continue to suffer from the condition
45 that resulted in commitment;

46 (2) The individual does or does not continue to pose a danger to self or
47 others for purposes of the purchase, possession, or transfer of firearms under 18
48 U.S.C. Section 922; and

49 (3) Granting relief under this section is not contrary to the public interest.
50 The court shall include in its order the specific findings of fact on which it bases
51 its decision.

52 7. Upon a judicial determination to grant a petition under this section, the
53 clerk in the county where the petition was granted shall forward the order to the
54 Missouri state highway patrol for updating of the petitioner's record with the
55 National Instant Criminal Background Check System (NICS).

56 8. (1) Any person who has been denied a petition for the removal of the
57 disqualification to purchase, possess, or transfer a firearm pursuant to this section
58 shall not be eligible to file another petition for removal of the disqualification to
59 purchase, possess, or transfer a firearm until the expiration of one year from the
60 date of such denial.

61 (2) If a person has previously filed a petition for the removal of the
62 disqualification to purchase, possess, or transfer a firearm and the court
63 determined that:

64 (a) The petitioner's petition was frivolous; or

65 (b) The petitioner's condition had not so changed such that the person
66 continued to suffer from the condition that resulted in the individual's incapacity
67 or involuntary commitment and continued to pose a danger to self or others for
68 purposes of the purchase, possession, or transfer of firearms under 18 U.S.C.
69 Section 922; or

70 (3) Granting relief under this section would be contrary to the public
71 interest, then the court shall deny the subsequent petition unless the petition
72 contains the additional facts upon which the court could find the condition of the
73 petitioner had so changed that a hearing was warranted.]

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